



Nevada State Board of Medical Examiners

*** * * MINUTES * * ***

OPEN SESSION EMERGENCY TELEPHONE CONFERENCE CALL BOARD MEETING

Board Office Conference Room
1105 Terminal Way, Suite 301, Reno, NV 89502

THURSDAY, JANUARY 5, 2006 - 2:00 p.m.

Board Members Present at Board Office

Jean Stoess, M.A.

Board Members Present by Telephone

Javaid Anwar, M.D., President
Sohail U. Anjum, M.D., Vice President
Marlene J. Kirch
S. Daniel McBride, M.D.
Benjamin J. Rodriguez, M.D.

Staff Present at Board Office

Drennan A. Clark, J.D., Executive Director/Special Counsel
Laurie L. Munson, Deputy Executive Director
Bonnie S. Brand, J.D., General Counsel
Edward O. Cousineau, J.D., Deputy General Counsel
Lyn E. Beggs, J.D., Deputy General Counsel
Douglas C. Cooper, Chief of Investigations
Donald A. Andreas, Investigator
Angelia L. Donohoe, Legal Assistant
Rebecca L. Grunau, Administrative Assistant

Also Present by Telephone

Dianna Hegeduis, J.D., Chief Deputy Attorney General

CALL TO ORDER

The AT&T telephone conference call operator took roll call of those participating by phone.

Ms. Brand stated the names of those present in the Board office conference room in Reno.

Dr. Anwar called the meeting to order at 2:12 p.m.

IN THE MATTER OF WAYNE ADAM DUNETZ, P.A.-C

General Counsel, Bonnie S. Brand, J.D., stated the meeting had been convened for the purpose of contemplation of summary suspension of the license to practice medicine as a physician assistant of Wayne Adam Dunetz, P.A.-C. Ms. Brand then asked whether all participating Board members had received and reviewed the materials sent to them prior to the meeting concerning this matter, and all Board members indicated they had. Ms. Brand then stated that two of the exhibits to the complaint had been filed under seal, and the participating Board members were allowed to read them, but the exhibits would not be released to the press or any other entity without a court order.

Dr. McBride asked whether any action had been taken against Mr. Dunetz by the Board of Podiatry, since he also holds a Nevada Podiatry license.

Ms. Brand advised that the matter had been reported to the Board of Podiatry the previous Friday and the Podiatry Board planned to take action tomorrow. She then read the findings in the proposed Order of Summary Suspension:

1. That unforeseen circumstances have arisen and exist that pose a risk of impairment of the health and safety of the public and that require immediate Board action.
2. That Respondent submitted to a Board-ordered drug screen and tested positive for a significant amount of cocaine, in a laboratory tested urinalysis, on the morning of Tuesday, December 6, 2005, collected just prior to treating patients at his office.
3. That the amount of cocaine in Respondent's system was 6,465 ng/mL.
4. That staff just received a copy of the Board-ordered psychiatric examination of Mr. Dunetz, in which Psychiatrist Melissa Piasecki, M.D. found that Respondent is a cocaine abuser, was not a credible reporter during their session and is unable to safely practice medicine.
5. That public health, safety and welfare imperatively require emergency action by the Board to prevent Respondent from seeing and treating his patients or other members of the public.

Dr. McBride stated that Dr. Dunetz's medical records indicate he had a procedure done where he had cocaine packing placed in his nose the prior day, and asked whether Board staff knew whether the cocaine in his urinalysis could have come from that application.

Ms. Brand said that in the letter provided to the Board by Dr. Mansky, he stated the amount was indicative of a high tolerance and a high level of cocaine. To put it into perspective, a person is considered driving under the influence of cocaine if testing shows 150 ng/mL in the urine, and Mr. Dunetz had 43 times that amount in his system when tested. There is no way a

doctor would pack someone's nose with something that would give him 43 times the amount that would cause him to be arrested for DUI.

Dr. McBride asked whether the Board had received verification from a pathologist that the cocaine in Mr. Dunetz's system could not have been caused by the application from a physician. Ms. Brand stated this is an administrative proceeding and the level of proof is not the same as that required in a criminal proceeding. What the Board has is a printout from LabCorp, which will be certified, that provides the amount, and Dr. Mansky's assessment. Dr. Mansky is not a Pathologist or a Toxicologist, but he would be considered a person who is knowledgeable about cocaine levels because of his involvement with the diversion program.

Mr. Cooper stated a Forensic Pathologist at the University of Nevada, Reno reviewed the results of the urinalysis and advised staff in a phone call that the amount was a high level and was indicative of a user, and he referred Board staff to the Toxicologist at the Washoe County Sheriff's Office for review to support the findings he provided verbally, as he did not have time to put his findings in writing.

Dr. McBride stated he spoke with a Pathologist in Las Vegas, as he wanted to be sure the Board isn't going to run into a problem with a claim by Mr. Dunetz that it was the result of the nasal procedure he had the day before the urinalysis, and asked whether staff had verification that the medical records the Board has are the true medical records.

Mr. Cooper explained that Board staff has been in contact with the office manager for the doctor involved, and to date the office has only produced the two typed items provided to the Board members. Staff has asked how they knew Mr. Dunetz had chronic allergies and nasal problems if they had no medical history stating that, and the office has been uncooperative at this point. Based upon experience, the dates on the two notes are suspicious to staff, with the date of the procedure being one day before Mr. Dunetz was administered the urine test.

Dr. McBride stated he was also informed that physician was a previous supervising physician for Mr. Dunetz, and Mr. Andreas stated he had applied for a job with that physician, but was not hired.

Mrs. Kirch moved that the Board adopt the proposed findings and Order as presented by counsel. Ms. Stoess seconded the motion, and it passed unanimously.

Mr. Cooper stated staff would serve Mr. Dunetz and provide information concerning this matter and the Board's proceedings to the Podiatry Board tomorrow.

Ms. Brand explained that the hearing in this matter has been set and it will then go through the normal channels and be set for adjudication, probably at the June Board meeting.

Dr. Rodriguez asked whether staff could obtain confirming information concerning cocaine levels for someone who has his nose packed following nasal surgery, and Mr. Cooper stated Board staff should have that soon.

ADJOURNMENT

Dr. Anwar adjourned the meeting at 2:25 p.m.